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APPLICATION NO.	1	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/762,824 12/26/2001		12/26/2001	Simon Charles Martin	A34018PCT USA	9883	
21003	7590	05/19/2004		EXAMINER		
BAKER &			FARAH, AHMED M			
30 ROCKEFELLER PLAZA NEW YORK, NY 10112				ART UNIT	PAPER NUMBER	
				3739	-	
				DATE MAILED: 05/19/2004	DATE MAILED: 05/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estendance of them many be available under the provision of 3°CFR 1.7369, it no event, however, may a reply be timely filed Estendance of tem entry be sevalable under the provision of 3°CFR 1.7369, it no event, however, may a reply be timely filed If the period for reply sepocified above is less than thinty (30) days, a reply within the stabulory minimum of thinty (30) days will be considered timely. If the period for reply sepocified above is less than thinty (30) days, a reply within the stabulory minimum or thinty (30) days will be considered timely. If the period for reply sepocified above is less than thinty (30) days, a reply within the stabulory minimum or thinty (30) days will be considered timely. If the period for reply sepocified above is less than thinty (30) days, a reply within the stabulory minimum or thinty (30) days will be considered timely. If the period reply sepocified to the second and the replace of the communication, the second plant term deferred. Application or formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-39 and 42-45 is/are pending in the application. 4a) Of the above claim(s) is/are pending in the application. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. Application Papers 9) The periodication is objected to by the Examiner. 10) The drawing(s) filed on is/are: a)		Application No.	Applicant(s)						
Ahmod M Farah		09/762,824	MARTIN, SIMON CHARLES						
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Esterations of term any be available under the provisions of 3f CPR 1.13(a). In no event, however, may a reply be timely fled If the paried for reply specified shows it less than thely (0) days, as reply within the dabulary minimum of thely (00) days will be considered fromly. If the paried for reply specified shows it less than thely (0) days, as reply within the dabulary minimum of thely (00) days will be considered fromly. If the paried for reply specified shows it less than thely (00) days, as reply within the dabulary minimum of thely (00) days will be considered fromly. If the paried for reply specified shows it less than thely (00) days, as reply within the dabulary minimum of thely (00) days will be considered fromly. If the paried from the dabular date of the communication is considered fromly. If the paried paried the set of category and the replication is paried to the communication. The specified is particularly and the replication is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims Algorithms and the specification is a particularly and the application. 4a) Of the above claim(s) is/are pending in the application. 5b	Office Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - basenesses of time may be available under the provisions of 37 CPR 1.35(a). In no event, however, may a righty be timely fied - if the proof of may specified above, the maximum statutory period vall apply and vill copins SIX (3) MONTES from the modifing date of this communication. - if NO period for righty is specified above, the maximum statutory period vall apply and vill copins SIX (3) MONTES from the modifing date of this communication. - if NO period for righty is specified above, the maximum statutory period vall apply and vill copins SIX (3) MONTES from the modifing date of this communication. - if NO period for righty is specified above, the maximum statutory period vall apply and vill copins SIX (3) MONTES from the modifing date of this communication. - if NO period for righty is specified above, the maximum statutory period vall apply and vill copins SIX (3) MONTES from the modifing date of this communication. - A proper for control by the Office has the time time time invalidation and vill copins SIX (3) MONTES from the modifing date of this communication. - This action is provided the specific above the replication of the specific and the replication of the specific and the provided of the provided vill of the specific and the replication of the provided vill of									
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1 Responsive to communication(s) filed on 2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 1-39 and 42-45 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are objected to. 6 Claim(s) is/are objected to preserve 7 Claim(s) is/are objected to by the Examiner. 7 Claim(s) is/are objected to by the Examiner. 8 Claim(s) is/are objected to by the Examiner. 9 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. 8 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period versilized to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely, the mailing date of this communication. D (35 U.S.C. § 133).						
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, 42, and 44, drawn to apparatus and method for limiting the rotation of the ocular globe of an eye to facilitate alignment of said instrument with the axis of astigmatism, classified in class 351 subclass 208.
- II. Claims 21-39, 43, and 45, drawn to apparatus and methods for supplying visual feedback to an operator during refractive surgery of an eye, classified in class 606, subclass 005.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as supplying to the operator a visual feedback during refractive surgery of the eye other than astigmatism, such as refractive corrections of hyperopia and/or myopia. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to the applicant's representative, Ronald B. Hildreth (Reg. No. 19,498), on May 13, 2004, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M Farah whose telephone number is (703) 305-5787. The examiner can normally be reached on Mon-Thur. 9:30 AM-7:30 PM, and 9:30 AM - 6:30 PM on every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M DVorak can be reached on (703) 308-0994. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Art Unit: 3739

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Farah,

Patent Examiner, AU 3739

05/17/2004.